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2-6-2013

# Nuclear Power. Initiative Statute.

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**DEBRA BOWEN | SECRETARY OF STATE**  
**STATE OF CALIFORNIA | ELECTIONS**

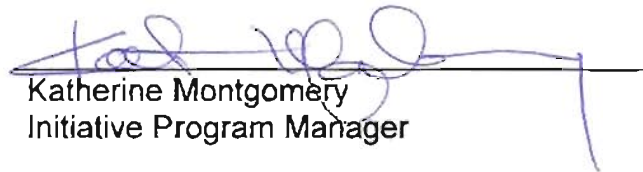
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

February 6, 2013

County Clerk/Registrar of Voters (CC/ROV) Memorandum #13016

TO: All County Clerks/Registrars of Voters and Proponent

FROM:

  
Katherine Montgomery  
Initiative Program Manager

RE: Initiative: 1589, Related to Nuclear Power

Pursuant to Elections Code section 9004 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**NUCLEAR POWER.**  
**INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Ben Davis, Jr.  
P.O. Box 3844  
Santa Cruz, CA 95063-3844

(916) 833-7894

[bendavis54@gmail.com](mailto:bendavis54@gmail.com)

#1589

**NUCLEAR POWER.  
INITIATIVE STATUTE.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 504,760  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: ..... Wednesday, 02/06/13
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elections Code § 336) ..... Wednesday, 02/06/13
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elections Code §§ 9014, 9030(a))..... Monday, 07/08/13\*
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elections Code § 9030(b))..... Thursday, 07/18/13  
  
(If the Proponent files the petition with the county on a date prior to  
07/08/13, the county has eight working days from the filing of the petition  
to determine the total number of signatures affixed to the petition and to  
transmit the total to the Secretary of State) (Elections Code § 9030(b).)
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures  
and notifies the counties..... Saturday, 07/27/13\*\*
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(Elections Code § 9030(d) & (e))..... Tuesday, 09/10/13

\* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

\*\* Date varies based on the date of county receipt.

**INITIATIVE #1589**  
**Circulating and Filing Schedule continued**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/27/13, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code § 9030(d) & (e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) .....Friday, 09/20/13\*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elections Code § 9031(b) & (c)).....Monday, 11/04/13

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/20/13, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code § 9031(b) & (c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elections Code §§ 9031(d), 9033).....Friday, 11/08/13\*

\*Date varies based on the date of county receipt.

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code § 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code §§ 100, 101, 104, 9008, 9009, 9013, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

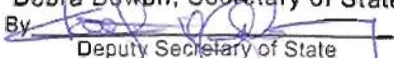
Public: (916) 445-9555  
Telephone: (916) 445-4752  
Facsimile: (916) 324-8835  
E-Mail: Ashley.Johansson@doj.ca.gov

February 6, 2013

The Honorable Debra Bowen  
Secretary of State  
Office of the Secretary of State  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

**FILED**  
In the office of the Secretary of State  
of the State of California

FEB 06 2013 VIA EMAIL

Debra Bowen, Secretary of State  
By   
Deputy Secretary of State

Attention: Ms. Katherine Montgomery  
Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed initiative to the proponent:

- 12-0016, "The California Nuclear Waste Act"

A copy of that title and summary and text of the proposed initiative is enclosed. Please contact me if you have questions. Thank you.

Sincerely,



ASHLEY JOHANSSON  
Initiative Coordinator

For KAMALA D. HARRIS  
Attorney General

cc: Ben Davis, Jr., Proponent

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**NUCLEAR POWER. INITIATIVE STATUTE.** Extends statutory preconditions, currently applicable to new operation of any nuclear powerplant, to existing Diablo Canyon and San Onofre plants. Before further electricity production at these plants, requires California Energy Commission to find federal government has approved technology for permanent disposal of high-level nuclear waste. For nuclear powerplants requiring reprocessing of fuel rods, requires Commission to find federal government has approved technology for nuclear fuel rod reprocessing plants. Both findings are subject to Legislature's rejection. Further requires Commission to find on case-by-case basis facilities will be available with adequate capacity to reprocess or store powerplant's fuel rods. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Potentially major impacts on state and local finances in the near term in the form of decreased revenues and increased costs due to near-term disruptions in the state's electricity system and electricity price increases. The magnitude of these impacts would depend on the time to develop replacement power, the frequency and duration of rolling blackouts, and various related factors, such as electricity demand and weather conditions. Potential avoidance of major future state and local government costs and lost revenues in the rare event of a major nuclear plant incident.** (12-0016)

Ben Davis Jr.  
P.O. Box 3844  
Santa Cruz, CA 95063-3844  
(916) 833-7894  
bendavis54@gmail.com

**RECEIVED**

DEC 10 2012

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

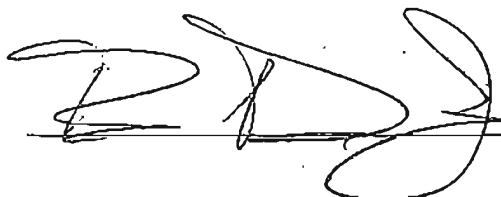
Attorney General's Initiative Coordinator  
P. O. Box 944255  
Sacramento, CA 94244-2550

Subject: Initiative Petition Title and Summary

Ben Davis Jr. hereby requests a Title and Summary for the attached state-wide initiative petition pursuant to California Election Code Section 9001, 9002. The measure would halt generation of nuclear power in California pending certain actions by the United States government. Two Hundred Dollars is submitted herewith.

Submitted this 10<sup>th</sup> day of December, 2012:

I declare under penalty of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of Santa Cruz County, California.

  
Ben Davis Jr.



TO THE HONORABLE SECRETARY OF STATE OF THE STATE OF CALIFORNIA:

We, the undersigned, registered, qualified voters of the State of California, residents of the below mentioned County (or City and County) hereby propose amendments to the Public Resources Code, relating to the operation of nuclear powerplants and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to the general election or otherwise provided by law. The proposed statutory amendments read as follows:

#### The California Nuclear Waste Act

Section 1: The people of California find that:

- (1) A demonstrated technology or means for the disposal of high-level nuclear waste has not been developed and approved by the United States through its authorized agency.
- (2) A demonstrated technology for the construction and operation of, nuclear fuel rod reprocessing plants has not been developed and approved by the United States through its authorized agency.
- (3) In balancing the benefits and risks associated with energy production, nuclear fission is the least desirable means of producing electrical energy available in the State of California.
- (4) The use of nuclear fission is not needed to meet the current or forecasted electrical energy needs of the State of California.

Therefore, the people hereby enact the provisions of this initiative.

Section 2: Chapter 6 (commencing with section 25524.15) is added to Division 15 of the Public Resources Code to read:

25524.15 It is the intent of the People of the State of California in enacting this legislation to protect the rate payers and tax payers of California, both present and future, from risk of unreasonable costs associated with ownership and operation of nuclear powerplants.

(a) No nuclear fission thermal powerplant requiring the reprocessing of fuel rods, including any to which this chapter does not otherwise apply, shall be permitted to produce electrical energy by use of nuclear fission until the following conditions are met:

(1) The commission finds that the United States through its authorized agency has identified and approved, and there exists a technology for the construction and operation of, nuclear fuel rod reprocessing plants.

(2) The commission has reported its findings and the reasons therefore pursuant to paragraph (1) to the Legislature. That report shall be assigned to the appropriate policy committees for review.

The commission's findings may become effective 100 legislative days after reporting its findings to the Legislature unless within those 100 legislative days either house of the Legislature adopts by a majority vote of its members a resolution disaffirming the findings of the commission made pursuant to paragraph (1).

(3) A resolution of disaffirmance shall set forth the reasons for the action and shall provide, to the extent possible, guidance to the commission as to an appropriate method of bringing the commission's findings into conformance with paragraph (1).

(4) If a disaffirming resolution is adopted, the commission shall reexamine its original findings consistent with matters raised in the resolution. On conclusion of its reexamination, the commission shall transmit its findings in writing, with the reasons therefore, to the Legislature.

(5) If the findings are that the conditions of paragraph (1) have been met, the commission's findings will become effective 100 legislative days after reporting its findings to the Legislature unless within those 100 legislative days both houses of the Legislature act by statute to declare the findings null and void and takes appropriate action.

(6) To allow sufficient time for the Legislature to act, the reports of findings of the commission shall be submitted to the Legislature at least six calendar months prior to the adjournment of the Legislature sine die.

(b) The commission shall further find on a case-by-case basis that facilities with adequate capacity to reprocess nuclear fuel rods from a certified nuclear facility or to store that fuel if that storage is approved by an authorized agency of the United States are in actual operation or will be in operation at the time that the nuclear facility requires reprocessing or storage; provided, however, that the storage of fuel is in an offsite location to the extent necessary to provide continuous onsite full core reserve storage capacity.

(c) All other permits, licenses, approvals or authorizations for the operation of nuclear fission powerplants for production of electrical energy, including orders of courts, which may be required may be processed and granted by the governmental entity concerned, but operation of nuclear fission powerplants for the production of electrical energy shall not commence until the requirements of this section have been met.

25524.25 It is the intent of the People of the State of California in enacting this legislation to protect the rate payers and tax payers of California, both present and future, from risk of unreasonable costs associated with ownership and operation of nuclear powerplants.

(a) No nuclear fission thermal powerplant, including any to which this chapter does not otherwise apply, shall be permitted to produce electrical energy by use of nuclear fission until the following conditions have been met:

(1) The commission finds that there has been developed and that the United States through its authorized agency has approved and there exists a demonstrated technology or means for the disposal of high-level nuclear waste.

(2) The commission has reported its findings and the reasons therefore pursuant to paragraph (a) to the Legislature. That report shall be assigned to the appropriate policy committees for review. The commission's findings may become effective 100 legislative days after reporting its findings to the Legislature unless within those 100 legislative days either house of the Legislature adopts by a majority vote of its members a resolution disaffirming the findings of the commission made pursuant to paragraph (1).

(3) A resolution of disaffirmance shall set forth the reasons for the action and shall provide, to the extent possible, guidance to the commission as to an appropriate method of bringing the commission's findings into conformance with paragraph (1).

(4) If a disaffirming resolution is adopted, the commission shall reexamine its original findings consistent with matters raised in the resolution. On conclusion of its reexamination, the commission shall transmit its findings in writing, with the reasons therefore, to the Legislature.

(5) If the findings are that the conditions of paragraph (1) have been met, the commission's findings will become effective 100 legislative days after reporting its findings to the Legislature unless within those 100 legislative days both houses of the Legislature act by statute to declare the findings null and void and takes appropriate action.

(6) To allow sufficient time for the Legislature to act, the reports of findings of the commission shall be submitted to the Legislature at least six calendar months prior to the adjournment of the Legislature sine die.

(b) As used in subdivision (a), "technology or means for the disposal of high-level nuclear waste" means a method for the permanent and terminal disposition of high-level nuclear waste. Nothing in this section requires that facilities for the application of that technology or means be available at the time that the commission makes its findings. That disposition of high-level nuclear waste does not preclude the possibility of an approved process for retrieval of the waste.

(c) All other permits, licenses, approvals or authorizations for the operation of nuclear fission powerplants for production of electrical energy, including orders of courts, which may be required may be processed and granted by the governmental entity concerned, but operation of nuclear fission powerplants for the production of electrical energy shall not commence until the requirements of this section have been met.

SECTION 3: If any provision of this initiative or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the initiative which can be given effect without the invalid provision or application and to this end the provisions of the initiative are severable.

SECTION 4: To further its purpose this initiative may be amended by statute, passed in each house by a two-thirds vote.

SECTION 5: This initiative shall take effect immediately.